

ESTTA Tracking number: **ESTTA321359**

Filing date: **12/10/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91191912
Party	Plaintiff Dating DNA, LLC
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Date	12/10/2009
Attachments	2009121002.pdf (4 pages)(103972 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Dating DNA, LLC,)	Serial No.	: 77/258,529
)	Mark	: VISUALDNA SHOPS
Opposer/Respondent,)	Opposition No.	: 91191912
)		
v.)		
)		
Imagini Holdings Ltd.,)		
)		
Applicant/Petitioner)		
)		

OPPOSER'S ANSWER TO

APPLICANT'S AFFIRMATIVE DEFENSES AND COUNTERCLAIMS

WITH OPPOSER'S AFFIRMATIVE DEFENSES

Dating DNA, LLC (hereinafter "Opposer"), a limited liability company duly organized and existing under the laws of the State of Delaware, and having its principal place of business at 13804 Torrey Del Mar Drive, San Diego, CA, 92130, responds to Applicant's affirmative defenses and counterclaims in the subject opposition proceeding as follows:

OPPOSER'S ANSWER TO APPLICANT'S AFFIRMATIVE DEFENSES

1. Opposer denies Applicant's first affirmative defense that Opposer's request for relief is barred in so far as it relies on Registration No. 3,245,349 for DATING BY DNA and further denies that the underlying intent-to-use application for the mark was improperly assigned and that the resulting registration is therefore void.
2. Opposer denies Applicant's second affirmative defense that Opposer's request for relief is barred in so far as it relies on Registration No. 3,245,349 for DAING BY DNA on the grounds that it has abandoned the mark.
3. Opposer denies Applicant's third affirmative defense that Opposer's request for relief is barred in so far as it relies on Registration No. 3,245,349 for DAING BY DNA

on the grounds that it does not have valid rights in and is not the proper owner of the registration.

4. Opposer denies Applicant's fourth affirmative defense that Opposer has failed to state a claim upon which relief can be granted.

5. Opposer denies Applicant's fifth affirmative defense that Opposer's request for relief is barred by the doctrine of unclean hands and bad faith.

OPPOSER'S ANSWER TO APPLICANT'S COUNTERCLAIMS

1. Opposer admits the allegations in introductory Paragraphs 2 and 3.

2. Opposer denies the allegations in Applicant's first counterclaim. Upon information and belief, Opposer was successor to the portion of the business to which the mark pertained.

3. Opposer denies the allegations in Applicant's second counterclaim. Upon information and belief, Opposer has not abandoned the mark DATING BY DNA.

OPPOSER'S AFFIRMATIVE DEFENSES TO APPLICANT'S COUNTERCLAIMS

1. Applicant's counterclaims fail to state facts sufficient to constitute any claim or cause of action against Opposer.

2. Opposer currently has insufficient information available upon which to form a belief as to whether it has additional, as yet unstated, affirmative defenses available. Opposer reserves the right to assert additional affirmative defenses in the event that discovery indicates that it would be appropriate.

WHEREFORE, Opposer prays as follows:

1. Applicant's counterclaims be dismissed with prejudice; and

2. Dismissal of Opposer's standing opposition against Applicant's VISUAL DNA SHOPS mark be denied.

Please apply any additional charges or credits to Deposit Account No. 50-3137.

Respectfully submitted,

Date: 10 DECEMBER 2009

Diane L. Gardner

Colburn C. Stuart, III, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing NOTICE OF OPPOSITION upon Applicant by depositing one copy thereof in a sealed envelope in the United States mail, first class, postage pre-paid, on December 10, 2009, addressed as follows:

Beth Goldman
Orrick Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600 IP Prosecution
Irvine, CA 92614

A handwritten signature in black ink, appearing to read "Kim Nelson", written over a horizontal line.

Kim Nelson